

REMARKS

Claims 14 and 15 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 14 and 15 have been cancelled, without prejudice, thereby rendering this rejection moot.

Claims 14 and 15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 14 and 15 have been cancelled, without prejudice, thereby rendering this rejection moot.

Claims 1-15 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent Application Publication No. 2004/0131183 to Sako. Claims 13-15 have been cancelled, without prejudice, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 1-12, Applicant respectfully traverses this rejection.

As a preliminary matter, Applicant has amended independent Claims 1 and 12 to more precisely define the present invention. Applicant has also amended dependent 4 and 6-11 to better coincide with amended associated independent Claim 1.

Applicant respectfully submits that the Sako reference fails to disclose or suggest all of the claimed features of the present invention. Specifically, the Sako reference fails to disclose or suggest a magnetic disk apparatus that includes, *inter alia*, a cipher key change unit that erases a first cipher key stored in a memory unit, and replaces it with a second cipher key, which second cipher key cannot decode the encoded data recorded on the disk medium, in response to a command for discarding all of a first encoded data recorded on the medium, thereby making decoding the first encoded data impossible, as defined in

amended independent Claim 1. Similar features are also defined in independent Claim 12, except as a process instead of an apparatus.

In the present invention of independent Claims 1, 12 and 14, there is a cipher key that is stored in a cipher key memory unit. There is also a cipher key change unit that erases the cipher key (a first cipher key) stored in the cipher key memory unit, and replaces the first cipher key with a second cipher key, which second cipher key cannot decode the encoded data recorded on the disk. By changing the cipher key that corresponds to data that has already been stored, it makes it impossible to decipher the stored data. Such a change in the cipher key is used, for example, when discarding or re-selling a computer in order to prevent a new user from accessing the previous owner's data, while still allowing the recording medium to be used by the new user.

More specifically, in the invention of independent Claims 1 and 12, data is encoded into the magnetic disk medium by encoding the data by use of the first cipher key, and the data is decoded by use of the same first cipher key by reading out the encoded data from the magnetic disk medium. The magnetic disk medium that has the encoded data recorded thereon is the same as the magnetic disk medium from which the encoded data is to be read out, and the first cipher key used for encoding is the same as the first cipher key used for decoding. The encoded and recorded data can therefore be read out and decoded as long as the magnetic disk medium is not destroyed.

However, when the user desires to cancel all of the data by initiating a command for discarding all of the first encoded data recorded on the disk, the cipher key

change unit is directed to erase the first cipher key, which is stored in the memory unit, and replace the first cipher key it with a new cipher key, defined as the second cipher key. Thus, decoding of the encoded data recorded in the magnetic disk medium becomes impossible because the cipher key has been changed from the first cipher key to the second cipher key. Accordingly, at this point in time, the recorded data is lost (such as would be desired by the user when discarding the computer).

In contrast, the Sako reference fails to disclose or suggest a command for discarding all of a first encoded data recorded on a magnetic disk medium. The Sako reference also fails to disclose or suggest the details of the operation of such a command, which functions by erasing a first cipher key stored in a cipher key memory unit, and then replacing that first cipher key with a second cipher key that cannot decode the encoded data, thereby making decoding the first encoded data impossible.

Additionally, another difference between Applicant's Claims 1 and 12 and the device of Sako is that in the device of Sako, the encoded data is entered into the system via input terminal 11 (from the internet or other means), and it is decoded within deciphering circuit 12 by means of a cipher key. The decoded data then passes to watermark detection circuit 14, where copyright management data is detected, and, if the copyright detection management data permits it, the data is either directly recorded onto medium 16, or it is recorded onto medium 16 after being encrypted with another cipher key that can be different from that used by deciphering circuit 12.

Thus, in Sako, the medium (or means) into which the encoded data is to be entered (terminal 11) is different from the medium that is ultimately used for recording (medium 16). If, therefore, even if the second phase of encoding and decoding is accomplished by using a cipher key that is different from the cipher key used for the first phase of decoding, the entered original data and the cipher keys used for decoding remain in existence, and thus the data is not lost in the device of Sako. Thus, there is nothing in Sako that makes “decoding the first encoded data impossible,” as now defined in independent Claims 1 and 12.

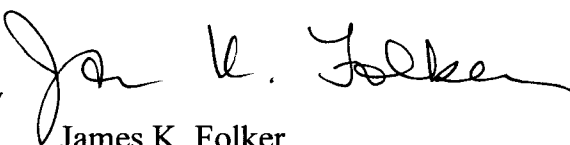
In other words, in Sako, there are two different cipher keys that are used in two different phases. In contrast, in the present invention of Claims 1, 12 and 14, there is a single cipher key that is erased and replaced after the data has been recorded. Changing the cipher key from a first cipher key to a second cipher key after recording the data purposely makes the data impossible to retrieve, which is the desired result when, for example, the user wants to discard the computer. Accordingly, as all of the claimed features of the present invention are not disclosed or suggested in the Sako et al. reference, Applicant respectfully requests the withdrawal of this §103 rejection of independent Claims 1 and 12 and associated dependent Claims 2-11.

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned attorney.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge any additional fees which may be required to this Application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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